

REMARKS

Claims 1-36 are pending in the application. Claims 1-36 have been rejected.

Claims 1, 5, 9, 13, 17, 22, 27, and 32 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chinitz (U.S. Patent No. 6,115,388) in view of Suonvieri (U.S. Patent No. 5,831,974). Applicants respectfully traverse the rejection.

The Applicants would like the Examiner to please confirm the accurate U.S. Patent Number for the Chinitz patent. The Applicants believe it to be 6,115,388 and not 6,115,588 as referred to in the Office Action. Assuming the Applicants are correct, the following remarks are provided.

Claim 1 of the Applicants' claimed invention recites a method for reducing latency in a group communication network. The method comprises receiving a floor-control request in short data burst (SDB) form from a dormant source communication device for initiating a group call directed to a group of dormant target communication devices, the floor-control request being sent by the dormant source communication device on a reverse common channel of the wireless network, the wireless network having released its dedicated traffic channel and transmitting wakeup messages to the group of dormant target communication devices.

The examiner acknowledges that Chinitz does not specifically teach receiving the request in a short data burst (SDB) form. The Examiner then applies Suonvieri as a secondary reference in an attempt to make up for the deficiencies of the primary reference, Chinitz, noted above. The Examiner asserts that Suonvieri is analogous art and teaches the use of SDB communications. This is not an accurate assertion.

In col. 1, lines 45-46, Suonvieri states that short data bursts are transmitted in the time slots as in short bursts of data. Also, note that in Suonvieri, there is simply a general usage of the term and not the acronym SDB. As noted in the applicants' specification on page 13, paragraph

[0060] a “significant reduction in the actual total dormancy wakeup time” may be achieved through the “use of short data burst (SDB) messages, as provided in ‘TIA/EIA/IS-2000 Standards for cdma2000 Spread Spectrum Systems,’ hereinafter referred to as “the cdma2000 standard,” for example.” Furthermore, note that an SDB message is a specific type of message protocol found in the cdma2000 standard. CDMA is a totally different communication protocol and totally different in its operation from TDMA. Time division multiple access is used to allocate a discrete amount of frequency bandwidth to each user in order to permit many simultaneous conversations. However, in TDMA, each caller is assigned a specific timeslot for transmission.

This is in contrast to CDMA (code division multiple access) which allows multiple packets associated with multiple conversations to share the same spectrum, overlapping in both frequency and time without mutual interference. CDMA operates in a completely different manner than TDMA.

Therefore, the Applicants respectfully submit that the primary reference Chinitz is defective in that it does not teach or suggest the use of SDB messages as provided in the cdma2000 standard. Suonvieri simply teaches the generic usage of short data bursts of data in time slots as peculiar to a TDMA system which is non-analogous art to a CDMA system.

Therefore, it is respectfully requested that the rejection be withdrawn and that claim 1 be allowed.

Independent claims 5, 9, 13, 17, 22, 27 and 32 recite related subject matter to independent claim 1 and should be allowed for at least the same reasons presented above regarding claim 1 as well as the additionally recited features found in these claims.

Claims 2, 6, 10, 14, 18, 23, 28, and 33 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chinitz in view of Suonvieri further in view of Comroe (U.S. Patent No. 5,014,345). Applicants respectfully traverse the rejection.

The Applicants respectfully submit that the primary reference, Chinitz, and the secondary reference, Suonvieri, are defective as discussed above in addressing the rejection directed towards the independent claims. Therefore, it is respectfully submitted that the application of a tertiary reference, Comroe, fails to cure the deficiencies of the primary and secondary references.

Therefore, it is respectfully submitted that claims 2, 6, 10, 14, 18, 23, 28, and 33 are dependent claims that depend upon their respective independent claims and should be allowed for at least the same reasons presented above regarding the independent claims that they depend upon as well as the additionally recited features found in these claims.

Claims 3, 4, 7, 8, 11, 12, 15, 16, 19, 22, 24, 29, and 34 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chinitz in view of Suonvieri further in view of Koo (US 2001/0024431). Applicants respectfully traverse the rejection.

The Applicants respectfully submit that the primary reference, Chinitz, and the secondary reference, Suonvieri, are defective as discussed above in addressing the rejection directed towards the independent claims. Therefore, it is respectfully submitted that the application of a tertiary reference, Koo, fails to cure the deficiencies of the primary and secondary references.

Therefore, it is respectfully submitted that claims 3, 4, 7, 8, 11, 12, 15, 16, 19, 22, 24, 29, and 34 are dependent claims that depend upon their respective independent claims and should be allowed for at least the same reasons presented above regarding the independent claims that they depend upon as well as the additionally recited features found in these claims.

Claims 20, 25, 30, and 35 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chinitz in view of Suonvieri and further in view of Lee et al. (U.S. Patent No. 6, 246,872). Applicants respectfully traverse the rejection.

The Applicants respectfully submit that the primary reference, Chinitz, and the secondary reference, Suonvieri, are defective as discussed above in addressing the rejection directed

towards the independent claims. Therefore, it is respectfully submitted that the application of a tertiary reference, Lee et al., fails to cure the deficiencies of the primary and secondary references.

Therefore, it is respectfully submitted that claims 20, 25, 30, and 35 are dependent claims that depend upon their respective independent claims and should be allowed for at least the same reasons presented above regarding the independent claims that they depend upon as well as the additionally recited features found in these claims.

Claims 21, 26, 31 and 36 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chinitz in view of Suonvieri and further in view of Park (US 2002/0058532). Applicants respectfully traverse the rejection.

The Applicants respectfully submit that the primary reference, Chinitz, and the secondary reference, Suonvieri, are defective as discussed above in addressing the rejection directed towards the independent claims. Therefore, it is respectfully submitted that the application of a tertiary reference, Park et al., fails to cure the deficiencies of the primary and secondary references.

Therefore, it is respectfully submitted that claims 21, 26, 31 and 36 are dependent claims that depend upon their respective independent claims and should be allowed for at least the same reasons presented above regarding the independent claims that they depend upon as well as the additionally recited features found in these claims.

Double Patenting Rejection

Claims 1-36 are rejected under nonstatutory double patenting grounds. As recommended in the Office Action, a timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) is being submitted with this response.

Therefore, upon entry of the terminal disclaimer, it is respectfully submitted that the double patenting rejection be withdrawn and that claims 1-36 be allowed.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: November 10, 2005

By: 

John L. Ciccozzi
Reg. No. 48,984
(858) 845-2611

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502